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FILE

FEDERAL COMMUNICATIONS COMMISSION
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BRUSSELS 1040 BELGIUM

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PAUL J. BERMAN

DIRECT DIAL NUMBER

(202) 662-5468

June 15, 1992

Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Petition for Rulemaking
Proposed Amendment of Section 73.202(b)
Table of Allotments
Palmer, Alaska

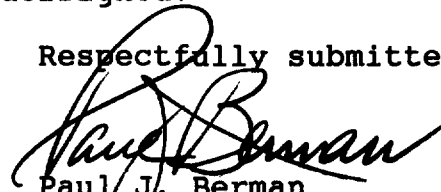
Dear Mr. Secretary:

Submitted herewith for filing on behalf of Pioneer Broadcasting Company, Inc. ("Pioneer") are an original and four copies of a petition for rulemaking. The petition proposes to change the FM Table of Allotments by substituting an allotment of Channel 238C1 for the current allotment of Channel 239C1 at Palmer, Alaska.

Because no current Commission licensee or permittee's channel assignment would change as a result of the grant of the attached Petition, it has not been served on any Commission or licensee or permittee pursuant to Section 1.401(b).

Any questions in connection with this submission should be directed to the undersigned.

Respectfully submitted,



Paul J. Berman

Attorney for Pioneer

Broadcasting Company, Inc.

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JUN 15 1992

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) RM-_____
Table of Allotments)
FM Broadcast Stations)
(Palmer, Alaska))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Pioneer Broadcasting Company, Inc. ("Pioneer"), licensee of radio broadcast station KWHL(FM) in Anchorage, Alaska ("KWHL"), hereby petitions the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Rules. Pioneer requests that the Commission delete the allotment of Channel 239C1 at Palmer, Alaska, and allot Channel 238C1 to Palmer as a substitute for such deleted allotment.

Pioneer has filed a minor change application seeking to upgrade KWHL's facilities to full Class C status and to change the station's transmitter location (FCC File No. BPH-870227MI). The site selected by Pioneer offers substantial coverage benefits to Anchorage-area listeners. However, it is located on a relatively inaccessible mountainside. The cost of constructing the requested facilities would be prohibitive for Pioneer or any single Anchorage FM licensee. Accordingly, Pioneer and several other Anchorage FM licensees

have agreed jointly to construct and operate transmitter facilities on the site.

The minor change applications for the other FM stations with which KWHL would be co-located have been approved. However, the KWHL application remains pending because the station's relocated facilities would be short-spaced to Palmer's currently allotted channel, 239C1. Because of the scarcity of Anchorage-area transmitter sites that provide adequate protection to other spectrum users (including the Commission's Anchorage monitoring facility and ILS facilities at Elmendorf Air Force Base), KWHL cannot locate a reasonable alternate site at which it can upgrade to full Class C status. Accordingly, if KWHL cannot relocate its facilities as proposed, it and its listeners will be disadvantaged because the station will be reclassified to Class C1.

In an effort to secure a grant of the pending KWHL application, Pioneer has undertaken a channel study to determine if any other channels could be allotted to Palmer without being short-spaced to KWHL's proposed facility. The results of that study are attached hereto as Exhibit 1. They show that Channels 236C1, 237C1, 238C1, and 241C1 are all available for allotment to Palmer, and that a change in the Palmer allotment to any of these channels would permit the use of Channel 239C for Pioneer's station in Anchorage without short-spacing.

A change in the Palmer allotment would permit Pioneer to participate in the joint transmitter site venture, which, as noted above, would provide substantial coverage benefits to Anchorage-area listeners. On the other hand, because the Palmer allotment is currently vacant^{1/} no current licensee or permittee for the Palmer facilities would be burdened by having to change its equipment or frequency. Moreover, any future applicant for the Palmer allotment can use any of the other available channels as easily as it could the channel currently allotted to Palmer.

In light of the foregoing, Pioneer respectfully submits that the proposed change in the Table of Allotments would best serve the interests of the listening public in both Anchorage and Palmer, and respectfully requests that the Commission commence a rulemaking proceeding to implement the proposed change.

Respectfully submitted,

PIONEER BROADCASTING COMPANY, INC.

By: 

Paul J. Berman
Francis R. Hawkins, Jr.
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
P. O. Box 7566
Washington, D.C. 20044

Its Attorneys

June 15, 1992

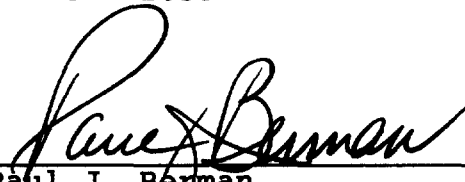
^{1/} A previously outstanding construction permit for the Palmer channel (FCC File No. BPH-850228MF) was canceled by the Commission on June 10, 1991.

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 1992,
I caused a copy of the foregoing "Petition for Rulemaking" to
be delivered by hand to:

Mr. Dennis Williams
Mr. William Ghassan Kahlik
FM Branch
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

By:


Paul J. Berman
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P. O. Box 7566
Washington, D.C. 20044

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Petition for Rulemaking
to Rule 73.202 Table of FM Assignment
for Palmer, Alaska

This petition is prepared for Radio Station KWHL Anchorage, Alaska by George M. Frese, P.E. of East Wenatchee, WA., their Engineering Consultant.

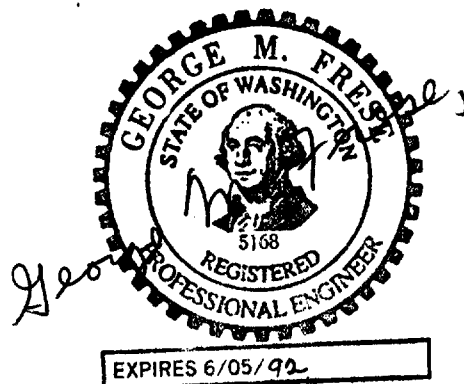
This petition proposes that the Vacant FM assignment at Palmer, Alaska be changed from 239C1 to 238C1. The reason for the change is that the petitioner's minor change application (BPH-870227MI) on channel 293C at Anchorage is precluded by the present Palmer allocation on 239C1. The mileage separation required is 41 km whereas we have only 35.3 km.

The petitioner has concluded a study of all the FM channels. Channels 236C1, 237C1, 238C1, and 241C1 are available for substitution and permit the use of 293C for Radio Station KWHL in Anchorage.

Attached is a copy of the FM Spacing Study which shows that Palmer can be assigned to 238C1 and be in concurrence with the Commissions mileage separation rules. Also attached are copies of the 236C1, 237C1, and 241C1 separation studies.

This petition requests that channel 238C1 be assignment to Palmer, Alaska and channel 239C1 be deleted.

April 16, 1992



Mr. George Frese, P.E.
East Wenatchee, Washington

Page 44
April 14, 1992

FM Spacing study

Title: PALMER
Channel 238C1 (95.5 MHz)
Database: DW 04/04/92

Latitude: 61-38-39
Longitude: 149-21-34
Safety zone: 100 km

| Call | Auth | Licensee name | Chan | ERP-kW | Latitude | Br-to | Dist. | Req. |
|---|-----------------------|---------------|------|-----------|-----------|-------|-------|-------|
| City of License | St | FCC File no. | Freq | EAH-m | Longitude | -from | (km) | (km) |
| NEW APP | | | 235A | .17 | 53-52-15 | 111.7 | 1638 | 90 |
| TATALROSE | BC | | 94.9 | 294 | 126-00-35 | 311.5 | 1548 | CLEAR |
| ALLOC | | | 236B | | 55-46-00 | 98.3 | 1811 | 115 |
| DAWSON CREEK | BC | | 95.1 | | 120-14-00 | 303.3 | 1696 | CLEAR |
| CBTH-FM LIC | | | 237B | .23DA | 54-31-05 | 113.6 | 1466 | 195 |
| TERRACE | BC | | 95.3 | 446 | 128-28-15 | 311.4 | 1271 | CLEAR |
| CBUF4 LIC | | | 238A | .13 | 53-54-11 | 106.8 | 1805 | 239 |
| PRINCE GEORGE | BC | | 95.5 | 61 | 122-42-11 | 309.5 | 1566 | CLEAR |
| KUZN CP | VALLEY BROADCASTING | 239C1 | 100 | 61-38-39 | .0 | | | 177 |
| PALMER | AK BPH-850228MF | 95.7 | 52 | 149-21-34 | .0 | -177 | SHORT | |
| CP Granted 01/28/87; Call Granted 05/15/87 | | | | | | | | |
| KXLR LIC | NORTHERN TELEVISION | 240A | 3 | 64-51-49 | 12.0 | 367.8 | | 75 |
| FAIRBANKS | AK BLH-890208KA | 95.9 | 2 | 147-45-06 | 193.4 | 292.8 | CLEAR | |
| Deletion proposed; ORDERED TO 240C3; Was KINQ 05/21/90 per FCC release #134 dated 05/18/90; Affiliated with KBCN(AM) | | | | | | | | |
| KNOM-FM CP | CATHOLIC BISHOP OF NO | 241A | .10 | 64-29-56 | 298.5 | 871.0 | | 75 |
| NOME | AK BPED-910410ME | 96.1 | -41 | 165-23-56 | 104.2 | 796.0 | CLEAR | |
| CP Granted 10/22/91 per FCC release #21239 dated 10/30/91; EDUCATIONAL OPERATION; Call Granted 11/29/91 per FCC release #172 dated 11/29/91 | | | | | | | | |
| CFYT-FM CP | | 291D | 0 | 64-03-27 | 57.6 | 573.7 | | |
| DAWSON | YU | 106.1 | 23 | 139-24-36 | 246.5 | | | |
| LOW POWER;ACTUAL ERP .001 | | | | | | | | |
| KSUP LIC | ALASKA-JUNEAU COMMUNI | 292C3 | 10 | 58-18-05 | 107.5 | 912.6 | | 24 |
| JUNEAU | AK BLH-910822KE | 106.3 | -306 | 134-26-26 | 300.5 | 888.6 | CLEAR | |
| CP Granted 01/30/91 per FCC release #21044 dated 02/07/91; Ant: Shiveley 6813-5; Affiliated with KINY(AM) | | | | | | | | |

>> End of channel 238C1 study <<

Mr. George Frese, P.E.

Page 42

East Wenatchee, Washington

April 14, 1992

FM Spacing study

Title: PALMER
Channel 236C1 (95.1 MHz)
Database: DW 04/04/92

Latitude: 61-38-39
Longitude: 149-21-34
Safety zone: 100 km

| Call | Auth | Licensee name | Chan | ERP-kW | Latitude | Br-to | Dist. | Req. |
|-----------------|------|---------------|------|--------|-----------|-------|-------|------|
| City of License | St | FCC File no. | Freq | EAH-m | Longitude | -from | (km) | (km) |

| | | | | | | | | |
|--|----|-----------------|-------|-------|-----------|-------|-------|-------|
| ALLOC | | | 233B | | 55-32-26 | 94.6 | 2049 | 95 |
| HIGH PRAIRIE | AB | | 94.5 | | 116-07-26 | 303.2 | 1954 | CLEAR |
| ALLOC | | | 234A | | 50-03-15 | 120.2 | 1983 | 98 |
| CAMPBELL RIVER | BC | | 94.7 | | 125-19-30 | 320.2 | 1885 | CLEAR |
| NEW APP | | | 235A | .17 | 53-52-15 | 111.7 | 1638 | 164 |
| TATALROSE | BC | | 94.9 | 294 | 126-00-35 | 311.5 | 1474 | CLEAR |
| ALLOC | | | 236B | | 55-46-00 | 98.3 | 1811 | 271 |
| DAWSON CREEK | BC | | 95.1 | | 120-14-00 | 303.3 | 1540 | CLEAR |
| CBTH-FM LIC | | | 237B | .23DA | 54-31-05 | 113.6 | 1466 | 195 |
| TERRACE | BC | | 95.3 | 446 | 128-28-15 | 311.4 | 1271 | CLEAR |
| CBUF4 LIC | | | 238A | .13 | 53-54-11 | 106.8 | 1805 | 98 |
| PRINCE GEORGE | BC | | 95.5 | 61 | 122-42-11 | 309.5 | 1707 | CLEAR |
| KUZN CP VALLEY BROADCASTING CO., | | | 239C1 | 100 | 61-38-39 | .0 | | 82 |
| PALMER | | AK BPH-850228MF | 95.7 | 52 | 149-21-34 | .0 | -82 | SHORT |
| CP Granted 01/28/87; Call Granted 05/15/87 | | | | | | | | |
| ALLOC | | | 289A | | 55-16-02 | 110.4 | 1432 | 32 |
| KITWANCOOL | BC | | 105.7 | | 128-03-58 | 308.6 | 1400 | CLEAR |
| NEW CP | | | 290D | .02 | 62-49-21 | 73.2 | 677.6 | |
| PELLE CROSSING | YU | | 105.9 | | 136-34-30 | 264.5 | | |
| LOW POWER | | | | | | | | |

>> End of channel 236C1 study <<

Mr. George Frese, P.E.
East Wenatchee, Washington

Page 43
April 14, 1992

FM Spacing study

Title: PALMER
Channel 237C1 (95.3 MHz)
Database: DW 04/04/92

Latitude: 61-38-39
Longitude: 149-21-34
Safety zone: 100 km

| Call | Auth | Licensee name | Chan | ERP-kW | Latitude | Br-to | Dist. | Req. |
|--|------|-----------------|-------|--------|-----------|-------|-------|-------|
| City of License | St | FCC File no. | Freq | EAH-m | Longitude | -from | (km) | (km) |
| ALLOC | | | 234A | | 50-03-15 | 120.2 | 1983 | 90 |
| CAMPBELL RIVER | BC | | 94.7 | | 125-19-30 | 320.2 | 1893 | CLEAR |
| NEW APP | | | 235A | .17 | 53-52-15 | 111.7 | 1638 | 98 |
| TATALROSE | BC | | 94.9 | 294 | 126-00-35 | 311.5 | 1540 | CLEAR |
| ALLOC | | | 236B | | 55-46-00 | 98.3 | 1811 | 195 |
| DAWSON CREEK | BC | | 95.1 | | 120-14-00 | 303.3 | 1616 | CLEAR |
| CBTH-FM LIC | | | 237B | .23DA | 54-31-05 | 113.6 | 1466 | 271 |
| TERRACE | BC | | 95.3 | 446 | 128-28-15 | 311.4 | 1195 | CLEAR |
| CBUF4 LIC | | | 238A | .13 | 53-54-11 | 106.8 | 1805 | 164 |
| PRINCE GEORGE | BC | | 95.5 | 61 | 122-42-11 | 309.5 | 1641 | CLEAR |
| KUZN CP VALLEY BROADCASTING CO | | | 239C1 | 100 | 61-38-39 | .0 | | 82 |
| PALMER | | AK BPH-850228MF | 95.7 | 52 | 149-21-34 | .0 | -82 | SHORT |
| CP Granted 01/28/87; Call Granted 05/15/87 | | | | | | | | |
| KXLR LIC NORTHERN TELEVISION I | | | 240A | 3 | 64-51-49 | 12.0 | 367.8 | 75 |
| FAIRBANKS | | AK BLH-890208KA | 95.9 | 2 | 147-45-06 | 193.4 | 292.8 | CLEAR |
| Deletion proposed; ORDERED TO 240C3; | | | | | | | | |
| Was KINQ 05/21/90 per FCC release #134 dated 05/18/90; | | | | | | | | |
| Affiliated with KBCN(AM) | | | | | | | | |
| NEW CP | | | 290D | .02 | 62-49-21 | 73.2 | 677.6 | |
| PELLEY CROSSING | YU | | 105.9 | | 136-34-30 | 264.5 | | |
| LOW POWER | | | | | | | | |
| CFYT-FM CP | | | 291D | 0 | 64-03-27 | 57.6 | 573.7 | |
| DAWSON | YU | | 106.1 | 23 | 139-24-36 | 246.5 | | |
| LOW POWER;ACTUAL ERP .001 | | | | | | | | |

>> End of channel 237C1 study <<

FM Spacing study

Title: PALMER
Channel 241C1 (96.1 MHz)
Database: DW 04/04/92

Latitude: 61-38-39
Longitude: 149-21-34
Safety zone: 100 km

| Call | Auth | Licensee name | Chan | ERP-kW | Latitude | Br-to | Dist. | Req. |
|-----------------|------|---------------|------|--------|-----------|-------|-------|-------|
| City of License | St | FCC File no. | Freq | EAH-m | Longitude | -from | (km) | (km) |
| CBUF4 | LIC | | 238A | .13 | 53-54-11 | 106.8 | 1805 | 90 |
| PRINCE GEORGE | BC | | 95.5 | 61 | 122-42-11 | 309.5 | 1715 | CLEAR |

| | | | | | | | | |
|--------|----|---------------------|-------|-----|-----------|----|-----|-------|
| KUZN | CP | VALLEY BROADCASTING | 239C1 | 100 | 61-38-39 | .0 | | 82 |
| PALMER | | AK BPH-850228MF | 95.7 | 52 | 149-21-34 | .0 | -82 | SHORT |

CP Granted 01/28/87; Call Granted 05/15/87

| | | | | | | | | |
|-----------|-----|---------------------|------|---|-----------|-------|-------|-------|
| KXLR | LIC | NORTHERN TELEVISION | 240A | 3 | 64-51-49 | 12.0 | 367.8 | 133 |
| FAIRBANKS | | AK BLH-890208KA | 95.9 | 2 | 147-45-06 | 193.4 | 234.8 | CLEAR |

Deletion proposed; ORDERED TO 240C3;
Was KINQ 05/21/90 per FCC release #134 dated 05/18/90;
Affiliated with KBCN(AM)

| | | | | | | | | |
|------------|--|----------------------|------|-----|-----------|-------|-------|-------|
| KNOM-FM CP | | CATHOLIC BISHOP OF N | 241A | .10 | 64-29-56 | 298.5 | 871.0 | 200 |
| NOME | | AK BPED-910410ME | 96.1 | -41 | 165-23-56 | 104.2 | 671.0 | CLEAR |

CP Granted 10/22/91 per FCC release #21239 dated 10/30/91;
EDUCATIONAL OPERATION;
Call Granted 11/29/91 per FCC release #172 dated 11/29/91

| | | | | | | | | |
|-----------|----|--|------|--|-----------|-------|------|-------|
| ALLOC | | | 242B | | 49-30-00 | 112.7 | 2314 | 195 |
| PENTICTON | BC | | 96.3 | | 119-35-00 | 317.6 | 2119 | CLEAR |

| | | | | | | | | |
|----------|----|-------------------|------|----|-----------|-------|-------|-------|
| KAZO | CP | KING BROADCASTERS | 243C | 10 | 60-31-26 | 217.0 | 154.8 | 105 |
| SOLDOTNA | | AK BPH-870630NF | 96.5 | 79 | 151-03-23 | 35.5 | 49.82 | CLEAR |

CP Granted 03/30/90 per FCC release #20824 dated 04/04/90;
Was KSLD-FM 10/07/91 per FCC release #168 dated 10/04/91;
Affiliated with KSLD(AM)

| | | | | | | | | |
|-------------|----|-------------------|------|-----|-----------|-------|------|-------|
| CBRV-FM LIC | | CANADIAN PROPOSAL | 244A | .12 | 54-00-14 | 108.3 | 1730 | 90 |
| VANDERHOOF | BC | | 96.7 | 29 | 124-00-34 | 309.9 | 1640 | CLEAR |

| | | | | | | | | |
|-----------|-----|----------------------|-------|------|-----------|-------|------|-------|
| KGTW | LIC | GATEWAY BROADCASTING | 294C2 | 2.87 | 55-20-22 | 116.4 | 1250 | 27 |
| KETCHIKAN | | AK BLH-871123KB | 106.7 | -91 | 131-38-12 | 311.6 | 1223 | CLEAR |

Affiliated with KTKN(AM)

| | | | | | | | | |
|---------|----|--|-------|--|-----------|-------|-------|--|
| ALLOC | | | 295D | | 68-13-04 | 36.3 | 996.6 | |
| AKLAVIK | NT | | 106.9 | | 135-05-00 | 229.3 | | |

>> End of channel 241C1 study <<